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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE
Cabinet Secretary- Designate

J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

January 24, 2017

Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit **NM0024899**:

Town of Red River Wastewater Treatment Plant

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the USEPA web site on December 17, 2016 and NMED web site at www.nmenv.state.nm.us/swqb/WQA/Notice On December 19, 2016. The NMED public comment period ended on January 16, 2017. NMED did receive comments during the public comment period and considered those comments as part of this certification.

Town of Red River Wastewater Treatment Plant
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Sincerely,
/S/ Shelly Lemon

Shelly Lemon, Acting Bureau Chief
Surface Water Quality Bureau

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Ms. Linda Calhoun, Mayor Red River via certified mail

Mr. Robert Italiano, NMED District 2 Manager via e-mail

Mr. Ron Curry, Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

01/24/2016

STATE CERTIFICATION

RE: Town of Red River Wastewater Treatment Plant , NM0024899

Dear Mr. Curry:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,

/S/ Shelly Lemon

Shelly Lemon, Acting Chief
Surface Water Quality Bureau

Town of Red River Wastewater Treatment Plant
State Certification of the Proposed NPDES Permit NM0024899
January 24, 2017
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Conditions of Certification

There are no conditions of Certification

Comments That Are Not Conditions Of Certification

Comment 1.

The draft permit in Part I Table A. Limitation and Monitoring Requirements: Monitoring requirements for Total Nitrogen and Total Phosphorous are included in the permit at a frequency of three per month. The permittee requested during the public comment period to have the monitoring frequency for these pollutants reduced. The State would not object to reducing this monitoring frequency to once per month.

Comment 2.

The State of New Mexico defines Total Nitrogen as: TKN + Nitrate and Nitrite
The State suggests a footnote be included in Table 1A for the Total Nitrogen requirement with this definition:

** Total Nitrogen is defined as Total Kjeldahl Nitrogen plus Nitrate and Nitrite. Analyses shall be in accordance with 40 CFR 136.*

End of Comments That Are Not Conditions of Certification